

LAW OFFICES OF DALE K. GALIPO

Dale K. Galipo, Esq. (SBN 144074)
dalekgalipo@yahoo.com
Marcel F. Sincich, Esq. (SBN 319508)
msincich@galipolaw.com
21800 Burbank Boulevard, Suite 310
Woodland Hills, CA 91367
Phone: (818) 347-3333 | Fax: (818) 347-4118

LAW OFFICES OF GRECH & PACKER

Trenton C. Packer (SBN 241057)
tpacker@grechpackerlaw.com
7095 Indiana Ave Ste 200
Riverside, CA 92506
Phone: (951) 682-9311

Attorneys for Plaintiff EDGAR SOLIS

ROB BONTA

Attorney General of California

RHONDA L. MALLORY

Supervising Deputy Attorney General

DOUGLAS E. BAXTER

Deputy Attorney General

State Bar No. 201351

600 West Broadway, Suite 1800

San Diego, CA 92101

P.O. Box 85266

San Diego, CA 92186-5266

Telephone: (619) 738-9567

Fax: (619) 645-2581

E-mail: Douglas.Baxter@doj.ca.gov

Attorneys for Defendant STATE OF CALIFORNIA and MICHAEL BELL

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

EDGAR SOLIS,

Plaintiff,

v.

STATE OF CALIFORNIA;

MICHAEL BELL; and DOES 1-10,

inclusive,

Defendants.

Case No.: 5:23-cv-00515-HDV-JPR

[*Honorable Hernán D. Vera*]

Magistrate Judge Jean P. Rosenbluth

**JOINT STIPULATION TO MODIFY
THE SCHEDULING ORDER**

Jury Trial

Date: Tuesday, October 29, 2023

Time: 09:00 a.m.

Ctrm: 5B

350 West 1st Street, 6th Floor
Los Angeles, California 90012

**TO THIS HONORABLE COURT AND ALL PARTIES AND THEIR
ATTORNEYS OF RECORD:**

By and through their counsel of record in this action, Plaintiff EDGAR SOLIS, and STATE OF CALIFORNIA (by and through California Highway Patrol), and MICHAEL BELL (collectively “Defendants”) (Plaintiff and Defendants together called “the parties”) hereby submit the following Joint Stipulation to Modify the Scheduling Order (Doc. 25):

1. This civil rights, officer-involved shooting case and involves Plaintiff’s claims under 42 U.S.C. §1983 and state law regarding an incident between Plaintiff, Deputy Waltermire, and Officer Bell where deadly force was used against Plaintiff. Specifically, Plaintiff brings claims for (1) Fourth Amendment – Excessive Force; (2) Municipal Liability – Ratification; (3) Municipal Liability – Inadequate Training; (4) Municipal Liability – Unconstitutional Custom, Practice, or Policy; (5) Battery; (6) Negligence; and (7) Violation of Cal. Civil Code § 52.1. (Doc. 1-1.) Plaintiff initially filed his Complaint in Riverside County Superior Court on February 2, 2023, and Defendants removed the action to this Court on March 24, 2023. (Doc. 1.)

2. On January 17, 2024, the Parties filed their Stipulated Request for Court Order Allowing Deposition of Incarcerated Plaintiff, for January 31, 2024.

3. On January 31, 2024, in the morning of Plaintiff’s deposition, Plaintiff’s counsel discovered that on December 27, 2023, the County of Riverside District Attorney’s Office filed charges against Plaintiff related to this incident. Plaintiff had no prior notice of these charges and Plaintiff’s counsel did not have an opportunity to discuss the issues with Plaintiff prior to the deposition. Thus, prior to the deposition, Plaintiff’s counsel informed Defense counsel that Plaintiff would exercise his Fifth Amendment rights regarding anything related to the new criminal charges filed against him. Ultimately, the parties agreed to suspend the deposition to allow Plaintiff time to confer with counsel.

1 4. On February 14, 2024, Plaintiff and Defendants County and Deputy
2 Waltermire reached an agreement to settle Plaintiff's claims as to the County
3 Defendants only.

4 5. On February 16, 2024, Defendants County and Deputy Waltermire
5 filed their Notice of Settlement as to Riverside County Defendants' Only. (Doc.
6 41.)

7 6. Additionally, on March 1, 2024, a new Deputy Attorney General will
8 be assigned to this matter as counsel for the State Defendants, CHP, and Officer
9 Bell, and will require time to get up familiarize him or herself with this matter
10 prior to proceeding to with the deposition of Officer Bell and other matters.

11 7. Based on the above, the Parties believe that it is in the best interest of
12 the case, and judicial economy, to modify the Scheduling Order (Doc. 25) to allow
13 the Parties with sufficient time to assess the status of the pending criminal matter,
14 and to complete discovery other than where Plaintiff's Fifth Amendment rights
15 are implicated, and to see if there is a possibility for mediation with the State
16 Defendants.

17 8. This is the Parties first request for any modification to the scheduling
18 order in this action.

19
20 **STIPULATION FOR CONTINUANCE:**

21 9. Accordingly, in light of the foregoing, and in order to facilitate the
22 interests of all parties to this action, by and through their counsel of record in this
23 action, the Parties hereby Stipulate that **Good Cause** exists and the parties
24 respectfully request that the Court **modify the Scheduling Order as follows, to**
25 **stay the discovery of Plaintiff pending resolution of the related criminal**
26 **matter, and order the parties to file a Joint Status Report on or before**
27 **September 5, 2024.**

Trial and Final Pretrial Conference Dates	Current Dates (Doc. 25)	Proposed Dates
Jury Trial (<i>Tuesday</i> at 9:00 a.m.) Est.: 5-10 Days	10/29/2024	06/03/2025
Final Pretrial Conference [L.R. 16] (<i>Tuesday</i> at 10:00 a.m.)	10/08/2024	05/06/2025
Hearing on Motions In Limine	10/01/2024	04/29/2025
Joint Status Report re Related Criminal Matter		09/05/2024
Status Conference at 10:00 a.m.		09/12/2024
Fact Discovery Cut-Off (no later than deadline for <i>filing</i> dispositive motion)	05/10/2024	12/10/2024
Expert Disclosure (Initial)	05/14/2024	12/17/2024
Expert Disclosure (Rebuttal)	05/28/2024	01/07/2025
Expert Discovery Cut-Off	06/11/2024	01/21/2025
Last Date to <i>Hear</i> Motions	07/23/2024	02/25/2025
Deadline to Complete Settlement Conference [L.R. 16-15]	08/23/2024	03/25/2025
Trial Filings (first round) <ul style="list-style-type: none"> • Motions In Limine • Memoranda of Contentions of Fact and Law [L.R. 16-4] • Witness Lists [L.R. 16-5] • Joint Exhibit List [L.R. 16-6.1] • Joint Status Report Regarding Settlement 	09/10/2024	04/08/2025
Trial Filings (second round) <ul style="list-style-type: none"> • Oppositions to Motions In Limine • Joint Proposed Final Pretrial Conference Order [L.R. 16-7] • Joint/Agreed Proposed Jury Instructions • Disputed Proposed Jury Instructions • Joint Proposed Verdict Forms • Joint Proposed Statement of the Case • Proposed Additional Voir Dire Questions 	09/24/2024	04/22/2025

10. This Stipulation may be signed in counterpart, and a facsimile or electronic signature shall be valid as an original signature.

1
2 **IT IS SO STIPULATED.**

3
4 Respectfully Submitted,

5
6 DATED: March 7, 2024

LAW OFFICES OF DALE K. GALIPO
LAW OFFICES OF GRECH & PACKER

7
8 By: /s/ *Marcel F. Sincich*
9 Dale K. Galipo
10 Marcel F. Sincich
11 Trent C. Packer
12 *Attorney for Plaintiff*

13
14 DATED: March 7, 2024

ROB BONTA
Attorney General of California
RHONDA L. MALLORY
Supervising Deputy Attorney General

15
16 By: /s/ *Douglas E. Baxter*
17 DOUGLAS E. BAXTER
18 Deputy Attorney General
19 *Attorneys for Defendant State of California*
20 *(by and through the California Highway*
21 *Patrol)*